

**UNITED DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

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CLERK, US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY OK

JAMES BOSWELL §

Civil Action No. **1:24 CV 00583**

GREG ABBOTT Governor of Texas (in his official and personal Capacities)

DII

CITY OF FORT WORTH TEXAS

UNITED STATES FEDERAL BUREAU OF INVESTIGATIONS

OFFICE OF THE ATTORNEY GENERAL FOR TEXAS

TEXAS SECRETARY OF STATE

CHARLIE BAKER, PRESIDENT OF THE NATIONAL COLLEGIATE

ATHLETIC ASSOCIATION

TEXAS STATE BOARD OF EDUCATION

TEXAS EDUCATION AGENCY

SCOTT MURI SUPERINTENDENT ECTOR COUNTY ISD

U.S. DEPARTMENT OF VETERAN AFFAIRS

CONTRACTOR QUALITY TIMELY COMMITMENT (QTC)

DONALD TRUMP, FORMER PRESIDENT OF THE UNITED STATES

1. INTRODUCTION

1. Plaintiff alleges violation of 42 U.S.C. & 2000 a Title II of the Civil Rights Act (public Accommodation) and Defendant conspiracy defined in Texas Penal Code

Title II, Chapter 71.02 section 71.0 renumbered in EEOC charge 45-0-2023-06382. Defendants violate statutes similar to the State of Georgia finding regarding Conspiracies on the election fraud and education fraud PER CASES OF THE the Atlanta Superintendent and federal cases against former President Trump. This lawsuit seeks long-overdue accountability for a civil conspiracy regarding white collar crime and unlawful actions of discrimination for opposing discriminative practices. The conspiracy, knowingly undertaken by at least two close associates regarding EEOC charge 450-2023-06382 and allies of Governor Gregg Abbott and the City of Fort Worth to obstruct constitutional proceedings engaging in negligence with open records request, open meetings, and Texas Whistle Blower statutes, negligence, fraud and intimidation, violation of state and federal statutes and State and Federal Constitutions, retaliation to government witnesses who testified during investigations of a discrimination and criminal nature. Of the associated RICO crimes, Plaintiff provides information to the Fort Hood Criminal Investigation Division, Texas law enforcement, federal law enforcement which now shows collateral and residual damages, continued discrimination, and turmoil with in DOD and Department of Education recruiting and retention venues.

II. BACKGROUND;

2.Plaintiff, a Disabled Veteran, is a key witness to the largest education scandal in Texas history and has suffered a minimum of \$ 500,000 in damages as a result of Defendant collusion, complicity, and omission. As a Department of Defense certified ROTC and Texas certified education contract employee, Plaintiff had a lawful duty to up hold FAPE and Leave NO Child Behind report crime and attorneys willfully violated profession responsibility and were morally and ethically bound for defending the sovereign right of Veterans, the 25 special education students assigned to the JROTC, Odessa High School, Ector County Independent School District and ROTC students in two DOD assignments under the

oversight of the Department of Education, Texas Education Agency, and the U.S Army Cadet Command. Plaintiff urges you to read the chilling 32 page assessment by Federal Judge David Counts listed in the REFERENCES AND EXPLANATION OF EXHIBITS shown to be the treatment to grievants who complain. This assessment provides the RICO required overt acts and identifies persons who wished harm on plaintiff by violating First and Fourth amendment rights, reaching a meeting of the minds to cover up education fraud and non-compliance through criminal conspiracy. This Midland federal court assessment alone in plaintiff's Exhibit O provides a combination of two or more conspirators falsely testifying to terminate this Army Ranger, Infantry Major. In accordance with the Texas Whistle Blower elements of 554.001-thru 06, plaintiff argued for unfair competition where an athlete posed for 16 yet he was 22 , fiduciary duty violations for personal gain documented by Judge Counts as invasion of privacy, confiscation of computer and privacy data information and escort off campus in front of promising recruits. The last overt act is prohibition from seeing athletic events during January 2024 until present. Other overt act is the misapplication of fiduciary property concerning 800,000 and agreement to defraud the government as a Pinkerton liability. As Governor Abbott promised a pardon with the help of others, he distracts from prosecution of crimes against a race and aids and abets the furtherance of additional crime regarding kidnapping of military personnel, death threats and death, and regarding the alleged rapes at TCU and Baylor.

III. JURISDICTION

This Federal District Court has authority to investigate white collar crime and discrimination per the

EEOC charge of discrimination. Like wise, this court has jurisdiction regarding the aggrieved injury valued at \$ 500,000 due to the government's retaliation and lack of ministerial duty regarding the Government's final decision, involving the obstruction of justice in a government proceeding.

Documents Referenced @ A thru ZZZZZ BY DROP BOX detail the significant value for a hearing regarding precedent and alleged violations of Texas law. The EEOC decision letter EXHIBIT A enclosed LISTS THE CHARGE OF DISCRIMINATION AS 450-2023-06382, is dated February 26, 2024 explaining 90 days in which to sue. Plaintiff claims retaliation in violation of section 704 (a) of Title VII of the Civil Rights Act of 1964, as amended. Discrimination is alleged and supports the pattern for retaliation found in each of the government investigations. In *Boswell v Bush* the Texas case was dismissed without prejudice. In a second case, regarding 12 official grievances, this federal action received an assessment by the Federal Judge David Counts, and due to Defendant's combined effort of conspiracy to conceal fraud and perjury, lying under oath, David Counts findings failed to go to trial largely due to Defendants resistance to expose the conspirators regarding misapplication of fiduciary property, Texas Law 32.45 a felony offense articulated as non compliance by 5th Circuit Court of Appeals for denial of Texas request for dismissal. The funding shortfall, an allocation of \$ 33,000,000 to special education population, is a RICO offense. Plaintiff's interview with the Rangers and correspondence given to the FBI and Texas Rangers meets 1 of 6 steps for an established offense in violation of the Texas Whistle Blower Act and the U.S. and Texas Constitution.

5. Judge Counts (Exhibit O) and Judge Dietz (legal case references) ruling established that the defendants funding is Un-Constitutional and still is by most District accounts. But

this is only the tip of an iceberg and foundation of unconstitutional activity affirmed by both Judges, one state and one federal. The true picture of corruption is articulated by the 90 counts alleged violation of law in the 4 indictments against Donald Trump, and alleged conspirators in these four cases: Plaintiff demonstrates cover up, negligence, conspiracy, perjury, and a pattern of behavior in violation of state and federal constitutions. Our government depends on Teachers and Veterans determined by personal knowledge, information, and belief to enforce the laws. Plaintiff offers examples of rampant fraud, and nexus to crime, civil unrest, poor health infrastructure, kidnapping, terrorism and wrongful death all Rico Actions accomplish within the allotted years of one another. Enrollment in special education requires the surrender to federal and state law and pertinent to the allegations in this Complaint, 12 grievances to ECISD, and state actions against Texas Education Agency and the State Board of Education, federal and state statutes are violated. Plaintiff and other victims have led lives inflicted by violence, instability, insecurity, and abuse of trust led by the Abbott and Trump Defendants, government officials that most Americans could hardly conceive as activity seen elsewhere, and not tolerated in the United States or the State of Texas.

6. Plaintiff sets the stage with a confession by 1 of the 65 alleged conspirators: "I regret, even though I was under orders, that I was a participant in the University's and Army conspiracy to remove this outstanding officer. This officer alleged he was the first whistleblower in three separate counts of government corruption and this has impacted badly on legal and ethical culture and violates Texas law 36.06 and 39.06 provided to the U.S. attorney Jamie Esparza in a complaint against Greg Abbott date 1 June 2023. This suit seeks

the exercise of the 6th amendment for a first fair trial under the auspice of due process relating to the favorable conclusions of the Army Discharge Review Board, Board for Correction of Military Records, and Veteran Affairs Decision for Post Traumatic Stress Disorder short of a request for Unemployability.

IV. PARTIES

7. GREG ABBOTT Governor of Texas (in his official and personal Capacities) represents Texas Education Agency and the Texas State Commissioner. The Governor defends TEA and the OAG, and inadequate Texas funding of school Districts, yet the lack of funds creates inadequate security with resources and structure and school killings as Uvalde. His address is Office of the Governor P.O Box 12428, Austin Texas. a. Office of the Attorney General was involved initially when Gregg Abbott, the Attorney General for Texas at the time of the crime, first denied open records, then failed to enforce a due process open hearing and requirement for an education auditor formal hearing to hear each grievance and complaint levied against TEA. The Attorney General, the chief law enforcement officer, Ken Paxton assumed his duty, as Greg Abbott was elected Governor. The record reflects both attorneys are currently active attorneys in good standing. Greg Abbott was admitted to practice law in the State of Texas in 2002 as the Attorney General, graduating 1984 from Vanderbilt Law School. Both Ken Paxton and Governor Abbott are subject to the Texas Supreme Court's disciplinary jurisdiction, and are accused of violating Article 1, section 19 of the Texas constitution, and are subject to the Article 3 requirements of the Fourteenth Amendment and Rules governing Professional Conduct. Defendants are in violation of 4 Acts: Texas Whistleblower Act, Open Records, Open Meetings, and the Texas Administrative Code. EXHIBIT EEEE

8. CITY OF FORT WORTH TEXAS had the ability to correct the discrimination on two accounts. The EEOC charge lists the municipality address and alleged charges.

9. UNITED STATES FEDERAL BUREAU OF INVESTIGATIONS was provided correspondence at 935 Pennsylvania Ave NW Washington DC 20535. The agency is accused of grossly mishandling allegations of assault against Larry Nassar in 2016 costing 1 billion dollars in damages. U.S. Government to pay \$ 138.7m over FBI failure to investigate. In Texas, the FBI also failed to step in with the Texas State Board of Education numerous oversight cases for sexual assaults and gang rape, involving two fired coaches and NCAA penalty. The FBI fails to support and protect whistle blowers.

10 OFFICE OF THE ATTORNEY GENERAL FOR TEXAS negligence and address is established in the explanation annexes and his address for investigating corruption waws 6100 western place suite 905 Fort worth Texas 76107 in cause D-1 GN-11-003130. Ken Paxton, the Chief law enforcement officer for the State of Texas was admitted to practice law in the State of Texas as the Attorney General since 2015, and is subject to the Texas Supreme Court's disciplinary jurisdiction.

11 TEXAS SECRETARY OF STATE has obligation to ensure defendants are qualified.

When A DEFENDANT commits fraud against the United States and harms a veteran and violates the constitution as Plaintiff alleges, it is violation of law and negligence to put the same defendant on the ballot. Agency address is 1019 Brazos St. Austin Texas 78701. . Texas Secretary of State alleged negligence and illegal acts committed by the Defendants AS TO WHY EACH DEFENDANT SHOULD REMAIN IN OFFICE OR ON THE BALLET in lieu of the pending allegations and payment of settlements to escape prosecution and or loss of voter support. Plaintiff is afraid to vote due to voter intimidation.

12 CHARLIE BAKER, PRESIDENT OF THE NATIONAL COLLEGIATE ATHLETIC Association is a most admired leader of our generation. His address is 700 Washington street, Po Box 6222, Indianapolis, Indiana 46206-6222. In the face of a law suit future events involving Veterans must be inclusive. Texas should be severely fined for RICO activity and harm to Veterans with a punitive award for damages.

- 13 **TEXAS STATE BOARD OF EDUCATION and TEXAS EDUCATION AGENCY** were provided separate law suits citing negligence and violation of Texas Statutes. These agency summons may be delivered to the William B Travis Building, 1701 n. Congress Avenue, Austin Texas 78701 Austin Address.
- 14 **SCOTT MURI SUPERINTENDENT ECTOR COUNTY INDEPENDENT SCHOOL DISTRICT** at 802 N.Sam Houston, Odessa Texas 79761 was presented charges of Texas penal code violations of corruption and a letter dated June 20, 2023 requesting a board hearing on reinstatement. Prosecution was requested with the U.S. Attorney Jamie Esparza. Reference is made by Texas Education Agency IG and the Commissioner's testimony that school contracting disputes have occasional led to violence, possible including the execution style murder of school district employees. As stated in my allegation in a criminal complaint against Mr. Muri, "your unwillingness to make me whole again".
- 15 **U.S. DEPARTMENT OF VETERAN AFFAIRS** continues to deny Veterans compensation as on January 22, 2024. The Office of the Inspector General was notified of the alleged contract fraud concerning PTSD awarded by the VA in 2015 and with regard to unemployability. The address for the VA point of contact is VA Inspector General, 810 Vermont Ave, NW Washington D.C. 20429. The contractor comment that I was wronged and it was punitive was omitted from the final report. Claims were denied.
- 16 **CONTRACTOR QUALITY TIMELY COMMITMENT (QTC)** commits contract fraud and details in an affidavit were reported to the OIG of Veteran Affairs. Address is VA Inspector General, 810 Vermont Ave, NW Washington D.C. 20429
- 17 **DONALD TRUMP, FORMER PRESIDENT OF THE UNITED STATES** may be served at the Republican National Committee HQ, 675 Washington St Alexandria Virginia 22314 at with each prosecuting attorney regarding his four law suits. His conduct and alleged violations of law has hurt many veterans. My numerous letters to Donald Trump has resulted in Texas Education Agency reprisal.

V FACTS IN THE CASE

18 Credibility is enhanced by: 1) Department of Defense Inspector General whistle blower investigations initiated by the Minority Leader of the U.S. Senate Armed Services Committee, 2) The Texas National Guard Adjutant General AR 15-6 Investigation, and 3) Federal Judge David Counts Assessment of Constitutional violations at the Ector County Independent School district per EEOC right to sue letter. Through these investigation Facts of Record are established, undisputed. The allegations alleged may be proven to a jury beyond reasonable doubt now with the escalation of newly acquired evidence. Defendants negligence, conspiracy effort, and patterns of retaliation and acts of discrimination continue. The Veterans Affairs findings of PTSD/OCD and a rating of 70 % disability is factually substantiated. Google research reveals the City of Fort Worth has numerous complaints regarding race. DISCRIMINATION alleged against the City of Fort Worth affirmation of continued punishment against whistle blowers, methodology to silence whistle blowers, and disparate treatment toward government grievant and Veterans. See EEOC AUTHORIZATION FOR SUIT. DEFENDANTS are requested to appear for deposition, be deposed, and attend a hearing regarding consumer complaints based on unconstitutional Texas Education funding issues prescribed in complaints dated January 25, 2024 and April 3 and 11, 2024), and regarding a social media allegation May 20, 2024 concerning deceptive trade practice for distribution of lottery money, and negligence defined in Department of Education findings.

19 Governor Greg Abbott pardon of Travis county jury conviction of Daniel Perry of murdering a protestor in Austin May 16, 2024 demonstrates the lack of resolve to treat blacks differently than whites and is out of compliance with Department of Justice report of systemic racial failures as referenced in the law suits Annex B and conspiracy admission to the Secretary of the Army noting the RICO activity with the sudden and unexpected disappearance of a black TCU employee, degradation to special education operations resulting in a Department of Education fine for non compliance in funding, and cover up in obstructing justice regarding violations of TEA policy, violating Department of Justice consent agreement directed in the Western District Court.

20. Lack of federal retaliation and Texas Whistle Blower protections found in State and Federal employees regarding the alleged fraud of 33.3 million in special education funding may be addressed at a legal hearing by Kenneth Paxton. Fifth Circuit Court Ruling against Texas in petition for review of the final order of the Secretary is denied". (Fifth Circuit Court of Appeals adjudication of Texas Education Agency (Petitioner) verses United States Department of Education (respondent) Education NO 18-60500, filed November 7, 2018) adds legitimacy to the listing of court cases with promising judicial equity to reopen these suits as Texas Education fraud has created a venue for corruption and violation of LAW. A hearing will capture the nexus to conspiracy inferred in Governor Abbott's letter.

(see letter dated January 11, 2018 to commissioner Mike Morath), where the Governor assumes responsibility while the Texas Attorney General deliberates actions to terminate whistle blowers.

21. These following words are highlighted to introduce the cause of action: “Going back to 2004” “I have read with deep concern”; The past dereliction of duty”. “Such failures are not acceptable”; “Federal officials have provided no definite time line”; “Parents and students cannot continue to wait”; “ I am directing you to take immediate steps to improve special education”. “within seven days” (*italicized*) . Now this new evidence projects the crime where Mr. Abbott’s input under oath to his email exchange with ECISD public affairs concerning abuse of power will be pivotal to the civil conspiracy -this RICO cause of action.

22. Defendants letter is already a smoking gun on special education children and crime victims at ULVALDI and crime locations through out Texas. It only hits home when you look at your 12 year old child or grand children as a Government contract conspirator writes to the Secretary of the Army or as the pain sinks in the travesty in Ulvalde.

23. The Texas State Board of Education is unable to defend its role of negligence and as co conspirator. The government transports dad as the 12 year old caretaker witnesses the corruption and signs her affidavit signifying the institution had purpose to discredit her dad via an illegal psychiatric evaluation. It was Christmas, 22 December. Daughter was in the sedan during the illegal imprisonment. Affidavit describes being frightened to

death. This dismissal without prejudice now goes forward for adjudication as evidence towards the pattern of reprisal.

24. Greg Abbott email to ECISD for open records request pertaining to TEA grievance 1 thru 12 as the Texas Commissioner of Education and ECISD Superintendent, President and Trustees engages in fraud per whistle blower reporting to John Nash, prosecutor Attorney General for Texas and his successor Jamie Esparza. Scott Muri's promotion and financial bonus marks the inception of support for local Districts and the State Board of Education push for vouchers and charter schools as the intent for elimination of employees and politicians. This remains a deceptive unlawful practice.

25. Subpoena of the Veterans Administration will conclude that Plaintiff's sworn statement to the Fort Hood Criminal Investigation Division dated 12 May 1989 was the inception of fraud in Texas education. Plaintiff's testimony about Defense Contractors engagement in fraud demonstrates proof of criminal activity, retaliation, and the wrongful intent of a retention board. Examination of perjury was convincing for the Inspector General Whistle Blower and Army Boards findings favorable to plaintiff ending in a Secretary of the Army order for reinstatement. Exhibit # of 123 exhibits.

26. NCAA may respond to how whistle blowers suffer while TCU and the NCAA prospers on athletic proceeds from a Veterans event function hosted on TCU property when whistle blowers are prohibited from attendance. EEOC allows for the City of Fort Worth to be sued for violation of city ordinance.

27. Plaintiff alleges CONSPIRACY and has identified 65 alleged conspirators.

The constitutional infringements adjudged by Federal Judge David Counts “Exhibit O” opened the door and now has escalated in 2024 to a national fraud scandal with the intent to replace public school with charter and voucher schools involving 65 participants who detracted a Commissioned Army Field Grade Officer from contract performance required in an educator’s compliance with Free and Appropriate Education (FAPE). The former President’s Trump, and his Secretary of Education and Governor Abbott’s intent to eliminate public schools, restrict funding, resources, equipment, and police protection for employment contract, and military and teacher oath had tragedy effect regarding school violence and killings. Defendants violated TEA, DOD, and Federal education funding policy. Plaintiff's top high school Army JROTC cadet sees the intelligence picture and provides a photograph of the ISD campus police escorting the grievant off campus while the Ector County Independent school administration confiscates the ROTC computer with medical records, tax records, private records documenting student counseling and personal memorandum for record regarding notes to the Army Inspector General, to Mr. Perez of the Secretary of Education, and James Coney, the Director of the Federal Bureau of Investigations, to the Office of Civil Rights, and Ranger Whitmore the Austin Commander of the Texas Rangers, and IG law enforcement agencies.

28. Plaintiff PTSD condition was a fear TO VOTE AND SPEAK WITH LAW ENFORCEMENT. Subordinates, Aids, political opponents resign after a dispute with Mr.

Trump. LTC Videman filed a law suit for alleged retaliation after his testimony in an impeachment process. District Attorney John Bash (see letter dated January 17, 2018). Plaintiff asserts his letters to the presumption nominee and to the Trump Organization (April 24, 2015), and June 14, 2016 including Chairman Reince Priebas and Policy Advisor Sam Covis was a factor for RICO events. Requesting his investigation of Senator Cruz, Texas State and Federal Judges; the ECISD Texas School Board resulted in grievants being silenced. silenced this whistle blower after a report to Judge Dietz acknowledging an illegal player and UIL violation that a 22 year athlete posed for age 16 to win the Texas State championship. Employees and staff were required to remain silent and this is reason for teacher retention and recruiting issues. 62 % of the military experience retaliation. We soldiers are the last standing in America's culture and can not condone gang rapes, school shootings, and police, and state- sponsored violence and the oppression of political dissent.

29. Fraud has eroded in other states. News Articles about Kansas Districts finds a mass exodus of teachers. Louisiana State auditor found 40 % of the Districts were not evaluated in 7 years. The Texas scheme involved identifying and targeting special education class members and promises, pretending to be good Samaritans and offering humanitarian assistance to gain the population's trust, and to induce unwitting cooperation with the Defendant's promise to fix the systemic problem. However, plaintiff knew first hand of the conspiracy and misrepresentation and retrieved a copy of a chief of staff memo stating that treatment to special education population was legally indefensible as reported in the 345 TH JUDICIAL DISTRICT Court **CAUSE NO. D-1-GN-18-006374 citing:**

“The Texas Whistle Blower Act protects public employees who make good faith reports of violations of law by their employer to an appropriate law enforcement authority. An employer may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who makes a report under the Act.”

“The twofold aim of criminal justice is that guilt shall not escape or innocence suffer” *Nixon, 418 U.S. at 708-709 (quoting Berger v. United States, 295 U.S. 78.88, (1935)(formally modified).*

Plaintiff begins with a request for a court hearing to resolve the OAG conflict for failure to protect whistle blowers and the criminal justice system, and a court ordered SUBPOENA for Mike Morath, Kenneth Paxton and the Honorable Governor Greg Abbott for an admission under oath of guilt and their role and participation in RICO crime and regarding suffering. There is no better way to introduce this suit other than to rely on certifications and training from the Department of the Army’s Command and General Staff and University of North Texas graduate degree study of PUBLIC ADMINISTRATION. Herein is outline to simplify the focus.

30. Plaintiff establishes that Defendants engaged in a decade-long scheme in which they used “numerous acts of fraud and misrepresentation” which establishes probable cause that Defendant’s alleged conspiracy violates law. Defendants negligence, and failure to adhere to the Texas and U.S. Constitution is causation for EXODUS of teachers and employees, degradation of education district programs, special education criminal violations, and the basis for this military retired field grade officer to submit 12 official grievances and repetitive whistle blower grievance to the DOD Inspector General, DOD Military whistle blower report H94L56225017 in violation of the Inspector General Act of 1978, whistle blower complaint to the Secretary of Education, and law enforcement authorities, and heads of the United States Senate and the United States Congress. The nexus was retaliation, defiance of federal orders Texas Education take overs, Defunding, shift of blame and lack of transparency of a Trump Abbott education insurrection to replace public school programs with voucher programs. These cumulative events cause public interest concern. In Judge Counts assessment, he states on page 12 of 36, “In

contrast, Plaintiff's assertion in category three alleging that there is unlawful conduct based on a "pattern of or practice of retaliatory actions against perceived critics of ECISD activities" survives constitutional standing ... and is redressable by a favorable decision EXHIBIT O.

31. But Defendants are participants in a conspiracy and this violation of law and documented negligence negates any fair recovery PROCESS of the injury which has never seen a jury trial. The initial filing and the commissioner's final decision. The Commissioner has joined the Conspiracy to defraud federal government in spite of Judge Counts assessment that the plaintiff's claims survive constitutional and prudential standing. Defendants have oversight. "The claims that survive include: (1) allegations of retaliation; (2) allegations of age discrimination; (3) allegation of hostile work environment (4) allegations of defamation of character; (5) allegations that defendants are violating the False Claims Act (6) allegations that Defendant's are in violation of 42 U.S.C. & 1981 and 42 U.S.C. & 1983 (7) allegations that plaintiff's Fourth amendment rights were violated; (8) allegations that Plaintiff's First Amendment rights were violated.

32. More importantly, Federal Judge David Counts EXHIBIT O investigated and documented the violations of the U.S. Constitution but the Judge was unaware of the following events: 1) the 91 Counts for a federal indictment against former president Donald Trump; 2) Counts which may traced to wire tapping and aiding and abetting across state boundaries; 3) Fifth Circuit ruling regarding Texas non compliance (**DEPARTMENT OF EDUCATION No 18 60500**, REF C); Texas was denied \$ 33,302,428 in education funding while defendants were in the midst of the furtherance of alleged RICO crime; 4) The direct link is money, money was earmarked for special education, yet used to defend suits, and given out for bonuses, salaries and awards rewarding loyalist and punishing the opposition; 5) unaware of the issue whether any participation in insurrection of laws and participation impacts election eligibility. This whistleblower (teacher and veteran) was criticized for suing on other's behalf. As a result of plaintiffs statements and co conspirator admission statements regarding

negligence, and government documents findings of non compliance, and violation of the disability statutes and governing C.F.R.'s, plaintiff shows the State of Texas leadership, the Defendants are engaged in Rico activity, regarding activities of at least two criminal activities: to include perjury, witness tampering with witnesses or victims, misrepresenting documents, forging Identification documents of star athletes, various computer crimes, theft of whistle blower notes, logs, and ledgers, evasion of privacy, sexual assault with purpose of harassment, intimidation, and bullying of teacher and students, unlawful confiscation of property arising from an illegal search and seizure without probable cause or a warrant; terroristic threat (I will kill you reported to Fort Hood CID), deceptive trade practice false statements before an official proceeding, disappearance of key witnesses, and money laundering (see the sale of picture photos sent by email to the Texas Rangers). In contrast with the State of Georgia enforcement of RICO, and subsequent convictions, Defendants deprive Texas and federal whistle blowers, teachers and students of benefits and privileges, through unethical and illegal conduct. The Pattern of discrimination e.g. Selective enforcement of laws, targeting and profiling, inequitable partisan enforcement was a subject of the U.S.A. lawsuit against a TEA local school district. Every crime has an intent. In this case, Defendants abuse their official positions and obstruct justice giving cause to aiding and abetting the commission to an alleged violation of one of the 91 counts of a felony offense seen through 4 law suits with the defendants co-conspirator, Donald Trump.

33. Plaintiff submitted twelve grievances against the District, per Tex Education Code 7.057. Remedy was attempted by the 70th District Court of Texas and the Federal Western District of Texas, while preserving remedy through means available via due process and the constitution's guarantee for a fair trial. Now that new evidence is found, probable cause is established that Defendants engaged in Texas State Fraud and Breach of Contract, conspiracy in violation of 42 U.S.C. § 1985 (2) and four counts of Conspiracy to Defraud the United States, in violation of 18 U.S.C. § 371; Conspiracy to Obstruct an Official Proceeding, in violation of 18 U.S.C. § 1512(k); Obstruction of, and Attempt to

Obstruct, an Official Proceeding, in violation of 18 U.S.C. §§ 1512(c)(2), 2; and Conspiracy Against Rights, in violation of 18 U.S.C. § 241.

34. The pattern of wrongs continued when Governor Perry was indicted. Then in January 18, 2018, Governor Abbott candidly admitted the “negligence has been on going since 2004” via his letter to TEA. Former President Trump was previously charged in a indictment, criminal action No 23-257 (TSC). EXHIBIT BBBBBB. His role is legally decided so that this court may focus on Defendants role and Plaintiff’s injury of disability and economic loss of \$ 500,000 and loss in plaintiff’s income attributed to Greg Abbott and defendants alleged joint conspirator activity.

35. Ironically, a similar number of accused in Texas is listed as “35”, and the level of leadership and gravity of the complaint is comparable to the most famous Georgia RICO case. of also 35. In plaintiff’s case, Conspirator witness number 1, the former President, is derived from my whistle blower letter to his organization. Conspirator witness 2 must explain his letter citing negligence. Witness 3, Ken Paxton is derived from his pattern of retaliation to fire whistle blowers and his omission to Case No -03-21-00161 Texas Court of Appeals at Reference L.

36. Defendants conduct and intent is shown by a joint unconstitutional effort lock step high jacking of public education, especially in Texas, but applicable to other states. As Governor Abbott was also eyeing a larger national profile -potentially a 2024 presidential run, he was susceptible of becoming a RICO aider and abettor. School Districts as ECISD and found in Reference g, cause Number D-1 GN-11 0031130 everywhere are facing cuts in education.

37. School districts are heavily dependent on taxes, number 1 and federal government assistance, number 2. According to www.sfchronicle.com “S.F. schools likely to cut 900 jobs” facing a massive deficit. The Houston Chronical for the 2022-23 school year, the district reported a homeless spike, that 7,200 homeless students in 2023, -3.8 % of the District, and double the number

from 2013. The district enrollment plummeting down to 189,934 from its 2016 peak of more than 216,000. Defendant's defiance to due process is addressed in the article dated 22 December 2023, the anniversary date of the worse experience in Plaintiff's career as the record reflects by one of the RICO witnesses, "I regret, while under orders" EXHIBIT C "to harm the Boswell family".

38. Like wise, the Article "HOW GOV GREG ABBOTT LOST A YEAR LONG FIGHT TO CREATE SCHOOL VOUCHERS places the probability that Defendants aided and abetted crime by disregarding the truth based on Plaintiff's EXHIBITS to law enforcement. Several Texas Authorities published opinions that support an inference that Defendants have violated no laws. Simply spoken, Defendants violated the law and an argument is made the Conspiracy has grown by white collar crime - rubber stamping RICO Activity, as in this evaluation. "But his insistence on universal eligibility ensure failure to convince 21 HOUSE REPUBLICANS". EXHIBIT AAAAAA, PAGE 1. The public has interest with 1207 School districts and charters, and 9000 campuses. It is alleged State Board members remained quiet since the law suit Reference F Cause Number D-1 GN003130 in the 250th District Court James Boswell v Texas State Board of education was retained. Plaintiff's affidavit depicts criminal misconduct and makes a connection between State Texas Board member, Scott Muri, and the Defendants RICO activity with joint conspirator Superintendent of ECISD 2023 School Board. Plaintiff letter to Superintendent places the school district on notice to restore his employment rights.

39. Plaintiff's request for deposition regarding allegations of Article 1, section 19 of the Texas constitution and violation of statutes, Obstruction to Justice 36.06, and Abuse of Official Capacity (39.02 (A)) relate to causation of an F rated District while Superintendent Muri accepts a raise to \$ 309,000 annually. This serves as a RICO activity regarding cover up of education fraud, misconduct and alleged bribery and causation for communications to the U.S. Attorney email May 26, 2023 @1059 and to the FBI April 15, 2023.

VI STATEMENT OF THE CASE

40. The EEOC charge is attached. “This case alleges Defendants violated Discrimination statutes and the ministerial duty and the “ultivirus mandated requirement in compliance with the Texas Constitution and “The Texas Whistle Blower Act. Plaintiff was a public employee in a salary cost sharing arrangement with Federal U.S. Army Cadet Command funding and ECISD state funding for performance of federal ROTC certification and Texas teacher certification standards, per a modified employment contract to mandate compliance agreed between the DOJ -ECISD with the U.S.A. consent agreement, designed to correct unlawfulness, signed by Judge Junell and ECISD General Counsel Mike Atkins. While in performance of a constitutional oath, duty, and contractual requirements, plaintiff reported in good faith violations of law to an appropriate law enforcement authority, and was retaliated through a series of conspirator actions ending in TEA lack of due process, and standing that violated constitutional amendments, adverse personnel action and injury of disability nexus to this public employee making complaints under the Act.” The case has a residual effect on recruiting, retention, education ratings, federal and state public programs, resulting in damages, and loss in democracy, impacting on other whistle blowers, all 1207 School Districts and Superintendents, most Sanctuary cities, and each level of government due to partisan politics and obstruction of Texas and federal government’s official proceedings which has took away unlawfully aid and support to disadvantaged families without due process.

VII NEGLIGENCE

41. As Governor Abbott elaborates in his letter, the negligence since 2004 requires correction. Plaintiff’s complaint filed against Texas Education Agency November 18, 2018 was two fold requesting judicial scrutiny of the final order and adjudication of a state whistleblower claim and state and

federal violations of law. REFERENCE A, B & C, Docket number 17-07-O United States Department of Education IDEA Determination in the matter of Texas eligibility for \$ 33,302,428 found compliance was an issue and ruled against Texas but now is alleged fraud, and violates the RICO statutes. Plaintiff was the “original” whistle blower for non compliance and remains aggrieved, has preserved standing since the filing of the two Texas suits, and now makes claim that Mike Morath, Kenneth Paxton , the Texas Chief Law Officer and Governor Greg Abbott committed fraud and performed an insurrection against public education, actions depriving teachers, community, and school districts from RESOURCES while violating Texas state law and the Texas constitution and federal law and the U.S. Constitution as reflected in the patter of discrimination, REFERENCE J. Public school funding was first decided as unconstitutional by the Honorable Judge Dietz of the 250th District Court REFERENCE F CAUSE NO D-1 GN-OO3130 JAMES BOSWELL V TEXAS STATE BOARD OF EDUCATION.

42.. Greg Abbott’s omissions of fraud is cause for overturning the case much the same as Roe verses Wade is overturned. Plaintiff’s was a victim of the Texas Supreme Court’s ruling overruling JUDGE DIETZ initial ruling in 2013. Due to the lack of guard rails, on October 19, 2020, Texas special education was methodically devalued. In 2023, Texas violates Disability law and the entire special education program is at risk for replacing special education teachers with non certified teachers. EXHIBIT DDDDDDD. The pattern of discrimination was officially addressed at REFERENCE P, UNITED STATES DEPARTMENT OF EDUCATION RULING OFFICE OF SPECIAL EDUCATION TO TEA. At REFERENCE Q, ABBOTT APPEALS SCHOOL FINANCE RULING; CAUSE NO D-1 GN -11 0031130, commits FRAUD BY OMMISSIONS AND PERJURY, knowingly of his participation in violation of Texas penal codes , Obstruction to Justice 36.06, and Abuse of Official Capacity (39.02 (A) and others that programs as ROTC and Special Education were defrauded and defunded. As residual damage, Texas RICO activity has cost millions and universal emotional scars. Per the injury to a special education child, the parent of Kathy Posey, and consistent references to school

safety, School and University violence, lock downs, and Shootings, this RICO claim may not be constitutionally legally denied.

43. WHISTLEBLOWER (WB) CASE ANALOGY, DEFINITIONS AND ELEMENTS. The Defendants pattern of retaliation encompasses each of the THREE TEXAS WHISTLE BLOWER CASES:

WHISTLE BLOWER CASE I

44. James Boswell Active Duty ROTC instructor assigned to Fort Worth Texas, U.S. Army Cadet Command with duty at Texas Christian University. Major James Boswell reported the Dean of Texas Christian University and the Professor of Military Science violating Texas Law 32.45 the misapplication of fiduciary property and that his ROTC cadet was allegedly raped by a TCU Associate professor. Boswell reported 26 allegations, five of which dealt with race issues to the Department of Army IG. U.S. Senator Sam Nunn, the minority leader of the Senate Committee on Armed Services found probable cause to elevate the case to the Department of Defense Inspector General.

45. Case 1 of 3 involved a joint conspiracy between conspirators Texas Christian University and the Department of Army where the DOD Inspector General found reprisal. Affidavit by Lieutenant Colonel James Bright EXHIBIT C to the Secretary of the Army provided the charges or retaliation and RICO activity that a material witness Sergeant Roy Dunlap mysteriously disappeared. The denial of due process in the midst of RICO money laundering were among the Constitutional violations, and state fraud for acceptance of DOD military JROTC funds. Plaintiff alleges the Texas Governor and State Board of Education were indifferent to the alleged RICO activity causing additional scandal and allegation against TCU Coach Patterson and Chancellor Victor Boschini regarding RICO violence that 3 TCU Horn-Frog athletes ganged rape a scholarship student in the dormitory. As history depicts, the "Texas" Department of Veteran Affairs defended Plaintiff. The VA provided the legal aid and two para

legals necessary for a successful hearing at the Department Army Discharge Review Board, and subsequent Board for Military Correction. A journalist for Military.corruption.com did a scathing article. The Texas Department of Veteran Affairs disparaging comments led the Secretary of the Army to order reinstatement with back pay. EXHIBIT H. While the Governor omissions of misconduct represented false misrepresentations of the seriousness of Title IX violations on campuses, and cover up as EXHIBIT G was published to address the 39 missing soldiers and or deaths (11 unresolved at Fort Hood, Texas, just 60 miles from the Austin Capital.

46. CASE 1 DATES 1986- 1998. The Vietnam Era Veterans Readjustment Act is violated from the wrongful discharge 1986, through removal from the service in 1989 until now May 28, 2024. Although the Secretary of the Army closed out the file, in 1998, after the delivery of a complaint packet regarding TCU to the Texas Rangers, a subsequent interview with the Texas Rangers on April 4, 2012, regarding State actors in violation of the Department of Defense and Department of Education policies on bullying, TCU failed to support VEVRAA protection requirements. RICO Co-Conspirators are alleged to violate law. The Rangers allegedly notified TCU as plaintiff requested. TCU retaliation was regenerated by Texas Christian University General Counsel as expressed in EXHIBIT I.

47. In summary, Army Officer James Boswell was terminated from TCU - U.S. Army Assignment, discharged from the U.S. Army, followed by the DOD IG finding of reprisal, U.S. Senate intervention and Secretary of the Army reinstatement of plaintiff to active duty, with back pay, and full retirement, yet City of Fort Worth supports TCU trespassing ban in refusal of the UVEVRAA requirement for reinstatement.

48. As long as TCU's written ban from TCU facilities is in effect, after the Secretary of the Army's ruling, plaintiff alleges this violation of Conspiracy Against Rights, in violation of 18 U.S.C. §

241. This civil rights violation 42 U.S.C. & 2000a Title II of the Civil Rights Act (public accommodation) makes this case ripe for adjudication and it provides standing for the Texas Board of Education to prosecute all co-conspirators of the RICO charge criminally. On February 20, 2023 Plaintiff provided by affidavit to the NCAA a recap of laws broken including NCAA bylaws 111.10 and 701.10 and violation of BYLAW VI institutional control. Ironically, the head of NCAA was also the Chancellor of Baylor University. Plaintiff interviewed a Baylor University Detective, afraid of RICO Co Conspirators harm to family, who expressed his concerns regarding his personal story regarding Baylor instructions to the police employees. A federal jury on October 23 2023 found Baylor University negligent in a Title IX lawsuit and awarded \$ 270,000 to a former student who alleged she was physically abused by a football player in 2014.

49 Texas National Guard CASE 2. 1996 – 1998.

Plaintiff's complaint and discovery found by a FOIA request detailed the intent of the retaliation; The Navy Captain AR-15-6 investigating officer concluded reprisal and recommended the TEXAS NATIONAL GUARD Army Colonel be disciplined. Restitution was considered in the Secretary of the Army back pay award but the reinstatement per VEVRAA was refused. Plaintiff could not hold the position of Sergeant and GS -7 civil service rating as a Commissioned Officer. Plaintiff's restitution for Case 1 and 2 was that he be equitably retired. As for the Colonel, he was promoted to General officer.

50. CASE 3. RETALIATION ADVERSE EMPLOYMENT ACTION from 2012 to 2024 After plaintiff was medically treated for PTSD, the Department of Veteran Affairs awarded 70 % Post Traumatic Stress Disorder in 2015. The city of Fort Worth failed to honor the U.S. Constitutional requirement and VEVRAA intent for reinstatement to TCU with privileges. Plaintiff filed two suits, one against TEA and the other against the State Board of Education, filed in 2018 are pending litigation,

and subsequent investigation by higher authorities. Both suits requested a DIRECT VERDICT on the findings regarding retaliation the first amendment and fourth amendment securing property without a warrant, and education fraud.

51. TEXAS WHISTLE BLOWER DEFINITIONS AND ELEMENTS.

A. . GOOD FAITH REQUIREMENT. Plaintiff provides notice to each of the Defendants with opportunity to litigate and provide remedy before filing suit.

B. APPROPRIATE LAW ENFORCEMENT. The interviews with the Texas Rangers and Ector County Law enforcement regarding violation of law, RICO activity and money laundering and the violation of 18 U.S.C. § 241 had an additional causation effect. Plaintiff was prohibited from participation in the annual Veteran Air Show in Midland and Armed Forces Day celebration on TCU property from December of 2012 until December of 2023. Negligence extends to Defendants and the Texas State Board of Education. Each are stake holders with oversight of Texas Christian University, ECISD, and Baylor University. Defendant's have oversight for accreditation, distribution of state and federal funds, and Title IX compliance standards. As such, TCU Private University, by letter issued the ban, dated December 10, 2012 (see EXHIBITs C,D,E,F,AND G). The ban was issued in close time proximity with plaintiff's interview with disclosing to Texas Rangers RICO activities. Both TCU and Baylor university participated in a joint venture with State defendants to accept state and federal funds and contracts without compliance to law and accountability. Texas Ranger's delivery of the Plaintiff's packet on ECISD ended in termination and in the lack of due process. The packet on TCU was cause for TCU alleging a pattern of discrimination and reprisal, and was cause for a non-judicious letter -an adverse personnel action by banning Plaintiff from TCU property infringing on liberty protections and right for reinstatement to acquire a doctorate degree. This was cause for depression and thoughts and dreams for being a victim of violence, and drug induced suicide.

C. ADVERSE ACTION. EXHIBIT EEE. The Ector County prosecutor date stamped March 23, 2012, the OAG ran by Greg Abbott levied a charge of \$ 29, 457 for the documents need to prove the RICO charges against the Principal the same as provided to U.S. Attorney John Bash EXHIBIT GG and HH. Protected disclosures were provided to the Governor, and the Commissioner on or about April 4, 2012. Defendants had responsibility and oversight to investigate and enforce the statutes. Instead, 2 days later, Plaintiff was called in by Human Resource Director, Bryan Moersch, and he requested that plaintiff resign. Plaintiff declined and requested the due process of an official hearing. As of this filing today, Defendants continue their RICO activity and deny any means of restitution equivalent to the OAG's settlement to other whistle blowers, James Blake Brickman, Mark Penley, David Maxwell, and Ryan M. Vassar. The alleged settlement in the 250th District Court was for 2.3 million dollars. REFERENCE A. The alleged settlement regarding the Department of Human Resources verses state Whistle Blower Green, per REFERENCE O was 3.3 million dollars.

D. RESIDUAL EFFECT: Plaintiff's client John Romfeld first exposed the violence of the IRAN CONTRA scandal as a RICO Activity with U.S. Senator Ted Cruz EXHIBIT JJJJ. Romfeld reported his attorney was allegedly murdered. Shortly after, Romfeld mysteriously and unexpectedly died. Plaintiff reasonably believes the State was responsible for Romfeld's death as well as black sergeant SGT Dunlap's alleged kidnapping or death. Defendant actions and participation in fraud demonstrate probable cause for a RICO LAW SUIT. The record reflects Marine Veteran Staff Sergeant John Romfeld's case as one where the plaintiff's non profit organization Veterans Helping Veterans found resolution but in 2013 the non profit dissolved, as result of the Defendant's actions and nexus to emotional and financial injury and disability. By the laws of the State of Texas, Texas Defendants violated the Texas Constitution and was in non compliance with state and federal statutes, as with the settlement arrangements in two other whistle blower cases REFERENCE A IN THE 250TH DISTRICT Court and REFERENCE O IN THE 53RD District Court. Plaintiff provided protected disclosures of

violation of law to administrative, legislative and judicial contacts shown in 10 of the 125 EXHIBITS A thru ZZZZZZ. Plaintiff alleges Defendant's conspiracy and misconduct early on, as documented via the filing of plaintiff grievance 1 thru 12. Plaintiff addresses the consequence and injustice for Texas whistle blowers, public education, and Texas counties, many of them rural, who lodge complaints and then are targeted. REFERENCE K involves Assistant principal Joseph Palazzola vrs Fort Worth Independent School district in the 271st District Court. REFERENCE M is the Resolution 664 regarding Baylor University alleged misconduct.

52. On January 10, 2024 an article by Jeff Ehling and Rosie Nguyen January 10, 2017. EXHIBIT EEEEEEE connects Plaintiff's whistle blowing and obstruction charges against Defendants and describes the impact of the fraud in the 2017 decision. "Education federal funding is dependent on federal compliance" **TX school districts have to find millions of dollars to fund special education after federal ruling. One argument is the** cuts are a result of a billing disagreement between the state and federal governments dating back to 2017. The other argument is that Defendants intentionally are deprived from funding as a RICO activity regarding money laundering.

53. It would be illegal to Fund education amidst the presence of RICO Activity where Texas will continue to be in non compliance Funding is tied to compliance so when Texas ignored the law and Disability law, it has a constitution effect. So when Defendant OAG and Greg Abbott put a price on discovery documents to appear before the School Board, this had grave constitutional repercussions. Plaintiff required this discovery to prove the Superintendent violated Texas law just the same as Georgia RICO law. The ECISD Chief of Staff memo to all District Principals that the treatment to Special Education is "legally indefensible" was a first clue that evidence of RICO activity was rampant. EXHIBIT KK. These three PHD Education Doctors, Doctor Sanchez, Dr. Brown, the President of the 2023 School Board, and Dr. Smith comprise a the list of 35 known conspirators. Plaintiff felt by just bringing out the facts, the School Board had legal justification to ensure due process and retain the

whistle blower at all cost to avoid expensive litigation. The real hurt was the insurrection to the Constitution having impact on FAPE and No Child Left Behind and retribution to all those who swore an oath and signed a contract of compliance, then responded in reprisal and retaliation effect on advocates of programs as ROTC and special education, dealing with UIL sport championships, popular activities, choir, chess, mariachi. Advocates and grievant participants loose due process as result of the hardline Texas politics in 2023 and tactics surmounting to 254 days and four excruciating special sessions”, “threats” similar to the Governments false arrest in WB cases number 1 and 3. The Government’s escort of plaintiff, accompanied by a 12 year old daughter to the hospital location for psychiatric evaluation had a chilling effect. The ECISD police escort of the JROTC instructor off campus per Judge David Counts assessment of the Fourth Amendment did not phase each Defendant to eradicate all RICO activity. EXHIBIT A thru Z includes an IG assessment of serious abuse of Command Authority.

54. On February 25, 2023, the FBI acknowledged by letter receipt of Plaintiff’s packet where Plaintiff alleges Attorney General Ken Paxton violated Plaintiff’s constitutional rights, as is alleged in MEDIA MATTERS formal complaint, May 26, 2023, against Ken Paxton. The OAG abuse of power to plaintiff, a “THREE TIME VETERAN” WHISTLE BLOWER resembles the treatment of 7 other whistle blowers who settled for 2.3 million identified in REF A, to journalist AS MEDIA MATTERS, and infringed on the careers of Corpus Christie DA, El Paso DA, U.S. attorney John Bash, FBI Director Comey, and President Trump’s Attorney General.

55. This Texas Rico case paints a clear picture of the lack of democracy in action. Packets to the FBI and U.S. District Attorney includes court documents and references to the FBI reiterating Plaintiff’s letter sent on May 1, 2016 to the Dallas FBI and Chief Justice, Supreme Court of the United States, after finding that some Department of Justice employees and defendants participated in the Texas Education Scandal and conspiracy in close similarity to the indictment of the Superintendent of Atlanta Georgia ISD, subsequent convictions referenced at ANNEX C (Exhibits A thru ZZZZZ), with

regard to the 91 felony charges against President Trump and promise from Governor Abbott and former President Trump to pardon the conviction of criminals. Plaintiffs letter to the OAG criminal investigation Division August 21, 2013 placed the Defendants on notice EXHIBIT QQ.

56. Likewise, Plaintiff's letter to the U.S. Attorney General Lorreta Lynch May 14, 2016 EXHIBIT ZZZZZ identified Senator Ted Cruz as an alleged Conspirator per the allegations identified in letters dated 07-11-14, 05-24-16, and 05-14-16. Plaintiff identifies being targeted in violation of the City of Fort Worth Employment Ordinance # 7278, section 17-67, in violation of federal law. While Trump was in office, January 20, 2017 thru January 20, 2021 the reprisal action to not reinstate plaintiff, continued. The war amongst Texas Republicans noted in the Texas Senate regarding public education led by Defendant Greg Abbott against Texas Teachers and whistle blowers was a direct result from the criticism this whistle blower levied against Defendants, and President Trump.

57. The wrongs bleed over to crime while the local Ector County Independent School District Superintendent Co Conspirator number 5, Hector Mendez resigned, the Plaintiff's Principal Co conspirator 6 was allegedly fired in January in the middle of her contract, while the EL Paso EEOC established administrative remedy to file suit for retaliation resolved by Federal Judge David Counts in EXHIBIT O, 32 pages determining U.S. Constitution violations.

58 . On or about April 4, 2012 (see attempted forgery to adjust the date) was an inexcusable Defendant deceptive trade practice. This letter written by Defendant's lead conspirator the Human Resource Director Co Conspirator number 7, Bryan Moersch, substantiates premeditation of RICO activity. ECISD decision regarding the twelve grievances and retaliation complaint for non renewal of contract "is final" EXHIBIT MM. "The Board's decision is final, and may not be appealed." This was false. Plaintiff's request for a formal TEA hearing was denied. At EXHIBIT NN, Defendant, the Commissioner of Education is subject to a report with the Texas Rangers of Fraud and Abuse".

59. Plaintiff's letter to the Secretary of Education references 2 packets and a letter to the Governor and fraud and abuse EXHIBIT NN details the Texas RICO activity In the Letter to the Texas Rangers Attn Mr. Brian Berney (agent) listing 5 references a through e, e.g. email to the Attorney General Thomas Perez (education@usdj.gov); ROTC Commanding General; The Secretary of Education; and Texas Commissioner. The subject line is: Felony Offense in violation of Texas Law 32.45, and in the body plaintiff references violation of 34 CFR 80.20(a) and money laundering.

60. In the twelve grievances EXHIBIT PP, alleging details of the violation of the Texas RICO, and of, in multiple occurrences, Plaintiff requested for the OAG to intervene by exercising its authority for a \$ 15,000 fine, per conspirator. The OAG's protection of the RICO offenders and the institution caused harm to whistleblowers including. Teachers as the ECISD teacher of the year resigned. The RICO actions destroyed grievant careers and Districts ability to protect students from harm. Plaintiff still suffers from Co conspirators sexual assault the details of which was reported in a police report to Sergeant Morgan EXHIBIT NN.

61. On January 12, 2024 the Texas newsroom made reference to Ryan Vassar, Blake Brickman, and Mark Penley 3 of four deputies who brought a suit against Texas Attorney General Ken Paxton, that the Texas Supreme Court denied Attorney General Ken Paxton's motion to end the lawsuit. The anxiety and post traumatic stress disorder as a result of Plaintiff's report to law enforcement of RICO activity and abuse, reported to Texas Defendants, Texas authorities and to our 45th President worsens by the day. The reprisal continues in violation of the Texas Constitution and Department of Justice Article II of the Civil Rights Act (Public Accommodations) since December 10, 2012 as a result of Plaintiff's report of fraud to the Governor of Texas and Texas Commissioner of Education adding more Co-Conspirators, e.g. the Mayor of Fort Worth for consenting to violation of 18 U.S.C. § 371; 42 U.S.C. § 2000a (b) (c) (e) (6a). 6 (b)states: "It shall be the duty of the judge to assign the case for a hearing at the earliest practical date and to cause this case to be in every way expedited".

62. Plaintiff was deprived of due process to proceed for Texas judicial scrutiny and due process, including TEA final decision. This was the beginning of fraud in cover up of criminal activity Included in two separate law suits EXHIBIT II against the State Board of Education (SBOE) and EXHIBIT JJ against Texas Education Agency (TEA), and involving millions of dollars and a specific charge regarding missing transportation money of \$ 800,000 as explained in grievance number 1 of 12 with causation to halt extracurricular funding and bus transportation and resources in providing the safety for Agricultural animals, for students, and teachers. JROTC Instructor Salary in Odessa High School was allegedly defunded.

PLAINTIFF'S two RELATED CASE REFERENCE E

CAUSE NO D-1 GN-003130 IN THE 250TH DISTRICT COURT, JAMES BOSWELL V TEXAS STATE BOARD OF EDUCATION EXHIBIT I I & XXXXX

63. On October 24, 2023 a jury found Baylor University negligent in violation of Title IX. (<https://www.espn.com>). Plaintiff provided EXHIBIT P to Defendants and directs attention to Texas local District witness conspirators Bryan Moersch. Grievance 5 is the Texas Teachers Union TSTA input outlining 9 remedies and concluding that "Major Boswell and his program was targeted". Plaintiff's Grievance regarding Title IX deserves the same attention as the jury provided for Baylor, and the alleged settlement with Texas Christian University in the gang rape of a student, per plaintiff's interview with Ranger Agent. Bryan Bernie. TCU allegedly settled for 10 million in a suit where Coach Patterson was sued for alleged negligence as three Horn Frog athletes ganged raped a student in the TCU dormitory. EXHIBIT B.

64. As of January 15, 2024, Defendant's participate in RICO activity designed to deter whistleblowing and government response e.g. failure to respond to a Title IX grievance and alleged

sexual assault filed with the local district police resulted in EXHIBIT O – Judge assessment of a search without a search warrant, found by Judge David Counts to be in violation of the First and the Fourth Amendment of the U.S. Constitution, and nexus to public safety. Plaintiff shows State negligence with the State Board of Education and its accreditation process in dealing with Funds and University processes governing how TEA and University response to sexual assaults noting Pepper Hamilton report on how Baylor University handled the alleged fifteen assaults which plaintiff asserts is comparable to how Defendants conspired with the Department of Army, Texas Christian University and Ector County Independent School District personnel to commit harm.

65. Defendants continue this targeting with the lack of commitment to performing ultrivirous responsibility and direct reinstatement with back pay and it is a continued -repetitive offense to DOD Military whistle blower report H94L56225017 in violation of the Inspector General Act of 1978, where Congress granted DOD broad powers to investigate detection and correction of fraud waste and management, and enforcement of public law 100-456 (codified at section 1034 of Title 10, United State Code (U.S.C.)(implemented by DOD Directive 7050.6 providing for the protection against reprisal against a member of the Armed forces for making a protected disclosure to a member of congress , and IG, or law enforcement organization. Case 4-13 CV 00208-Y document 8-2 filed 03/27/13 page ID 168. EXHIBIT A-Z.

66. On November 3, 2023 Texas Tribune (<https://www.texastribune.org/2023/12/11/texas-school-safety-funding/?utm-campaign=...>) reports Gov Gregg Abbott makes good on his promise to go after certain Texas House of Representatives in upcoming primaries for not supporting his priority school voucher legislation. This resulted in loss of structure and security system and Uvalde student deaths.. This lawsuit CAUSE NO. D-1-GN-18-006374 will be amended in acknowledgement of Abbott's leading role in the conspiracy in violation of 18 U.S.C. 2383 and joint activity for defrauding the government regarding Trumps association with 91 alleged felonious offenses, and defunding of \$

33,302,428 education grant funding due to the States negligence, and violation of Public safety violations. Specifically, the U.S. Attorney and District Court prosecuting attorneys were provided sworn affidavits with alleged charges of violation of law accusing defendants and co conspirators of collaborating joint interests damaging to the public interest. The state violates public safety when students die, teachers are fired for supporting good causes designed to deter disruptive threatening RICO activities as the High School lock down where a black student was wrongfully accused in violation of the DOJ consent agreement with ECISD General Counsel.

67. On December 11, 2023, Texas Superintendents say lack of school funding may lead to budget cuts – the same cuts which has causation for school killings through out Texas. Herein, Former President Trump provides aide to these Defendants while endorsing their political actions. Yet Abbott's pardoning conflicts with federal statutes which says, "Whoever incites, sets on foot, assists, or engages, in any rebellion against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be..."(<https://www.thefederalcriminnal>). "Or the laws" is the operative clause.

68. On August 4, 2023 The Washington Post reports " State Takeovers of "failing" schools are increasing Do they help students". This week the Houston ISD kids performed a walk out and published their views regarding Mike Miles alleged corruption. On December 1, 2023, in the United States District Court for the District of Columbia , Judge' Tanya Chutkan, memorandum, she opens: "it is well established that incitement typically means "advocacy ... producing imminent lawless action" "likely to produce such action" 18 U.S.C. § 371 memorandum dated December 1, 2023 page 39 of 48.

69. On October 24, 2023 Jurors, in comparison with the education scandal found Baylor University was negligent and in violation of Title IX for alleged criminal conduct. This deliberate indifference and alleged negligence, addressed in Plaintiff's correspondence regarding defendant's oversight, places sexual harassment victims at risk for a quality education and whistle blowers in high

risk of loosing their careers and jobs. Defendant's lack of oversight drains resources and degrades programs designed to correct flaws. In 2014 similarly and nexus to Judge Counts findings, two packets were delivered to the Texas Rangers of two education conspiracies in violation of program fraud and sexual assaults one 1) at ECISD and one 2) at TCU . Plaintiff complaint to the SBOE of a lack of Title IX enforcement is subject to withdrawal of federal funds and removal of accreditation.

70. Essentially the State Board of Education Members are Conspirator witnesses to fraud and Defendants violate their ultiviruses responsibilities and Governor Abbott and co-conspirators are alleged of violating Texas penal code 36.06, 32.45 and 39.02 . Plaintiff shows defendants actions were willful and intentional.

VIII CAUSES FOR ACTION

71 . The Abbott Conspiracy and obstruction to justice charge involves the ultra=er virus responsibility is the Governors responsibility to remove the ban of on December 10, 2012. TCU General Counsel banned the ROTC Instructor from premises without a due process hearing and consideration of TCU Notice of Nondiscrimination stating that "covered veteran status and any other basis protected by law". and provide Sec. 21.006. CONFORMITY WITH FEDERAL STATUTES. Sec. 21.2585. COMPENSATORY AND PUNITIVE DAMAGES. (a) On finding that a respondent engaged in an unlawful intentional employment practice as alleged in a complaint, a court may, as provided by this section, award:

- (1) compensatory damages; and
- (2) punitive damages.

Sec. 21.260. RELIEF FOR DISABLED EMPLOYEE OR APPLICANT. If the affected employee or applicant for employment has a disability, a court shall consider the undue hardship defense, including the reasonableness of the cost of necessary workplace accommodation and the availability of alternatives or other appropriate relief.

IX . PRAYERFOR THE COURT

Request a finding defendants violated Texas penal code Title II, Chapter 71.02 section 71.0 and engaged in education fraud and failed in omissions regarding **EXHIBIT RR, Cause D-1-GN 20-006861 250th DC and EXHIBIT BBBB Cause District NO.03-2100161-CV Texas Court of Appeals Third District, Affirmation of violation of the Texas Whistle Blower Act. and EXHIBIT VV, 5TH Circuit Court of Appeals ruling Texas noncompliance regarding DEPARTMENT OF EDUCATION No 18 60500 and that all identified whistle blowers receive reinstatement pay, THE COURT is asked to draw boundaries regarding costs, travel time, and harassment in exchange for the truth, accountability and liability in the drop box notarized affidavits.**

TEMPORARY INJUNCTIVE RELIEF TO SUSPEND AN NULLIFY ALL Texas Education agency take overs due to the allege fraud, deceit and violation of the Texas penal codes. While Defendants were engaged in negligence and lack of compliance the court may grant appropriate temporary relief until the whistle blower complaint is tried.

THAT FOLLOWING COURT CASES BE PETITIONED FOR A DIRECT VERDICT

- A. CAUSE NO D-1 GN-003130 IN THE 250TH DISTRICT COURT, JAMES BOSWELL V TEXAS STATE BOARD OF EDUCATION EXHIBIT I I & XXXXX
- B. CAUSE NO D-1 GN-18-00634 IN THE 345TH DISTRICT COURT, JAMES BOSWELL V TEXAS EDUCATION AGENCY, EXHIBIT JJ & XXXXX

CONCLUSION

WHITE COLLAR CRIME CONTINUES. School districts are in turmoil and lack funding and constitutional protections. Teachers complain and are fired. Allow this suit to make a difference. The court

has reason to affirm a PATTERN OF DISCRIMINATION. RACE IS AN ISSUE IN TEXAS and in the city of Fort Worth black students are punished more frequently and more severe. This violate the U.S.A. Consent agreement signed by a federal Judge. Plaintiff requested investigation of the willful violation of law required by state and federal law or programs for which the public education agency receives federal funds. Plaintiff complaint included (verbatim):

- *Misuse of federal or state funds by a public education agency*
- *Conditions at ECISD school district that present a danger to the health, safety, or welfare of the students*
- *Violations of duties defined by statute and rule of school district boards of trustees, governing the Superintendent and chief of staff*
- *Violations of TEA oversight procedures*
- *Falsifications, fraudulent misrepresentations, or manipulations of information, including manipulations of records, reports, data, forms, statements of assurances, or certifications submitted to TEA through the Public Education Information Management System (PEIMS)*
- *Educator misconduct*

(WHISTLE BLOWER ELEMENTS IN EACH CASE demonstrated a pattern of retaliation)

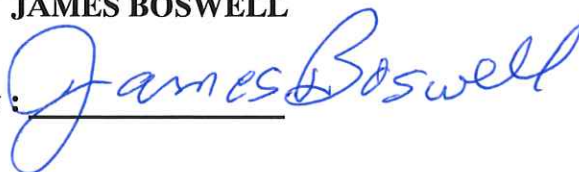
WHISTLE BLOWER CASE II OF III

Plaintiff alleges four counts: Conspiracy to fraud the United States, in violation of 18 U.S.C. § 371,; Conspiracy to Obstruct an Official Proceeding, in violation of 18 U.S.C. § 1512(k), Obstruction of, and Attempt to Obstruct, an Official Proceeding, in violation of 18 U.S.C. §§ 1512(c)(2), ; and Conspiracy Against Rights, in violation of 18 U.S.C. § 241. Defendants are aware of joint conspirators, the City of Fort Worth and Business Texas Christian University permanent ban from TCU properties

after Plaintiff alleges that TCU participated in the conspiracy to further crime as alleged in the three horn frogs alleged gang rape of a scholarship student in the TCU dormitory, and are alleged similar conspirator actions found in State Representative Rolland Guterrez D – San Antonio, Texas Resolution 664 filed February 27, 2017 where Baylor Police department hid files and a claimed admission regarding sexual assaults. Plaintiff shows retaliation, obstruction to justice and abuse of government agency power on or about April 2, 2012 and June 1, 2023 to our governor when plaintiff's report to law enforcement, the Commander of the Texas Rangers/and the FBI, met two of the elements of the Texas Whistle Blower ACT, 1) the good faith element and 2) law enforcement element, followed by consistent reports to law enforcement thru April 25, 2023 entailing 2710 pages of documents, and a sworn affidavit to the US. Attorney Jamie ESPARZA and the Honorable Greg Abbott alleging two accounts of violation of Texas State Prosecution for Defendant's making false statements in not the crux, but rather for knowingly making false statements in furtherance of a criminal conspiracy and obstructing the education process. This is the reason conspirators Trump, Abbott, and Paxton should be off the election ballot and prosecuted.

RESPECTFULLY SUBMITTED,

/s/ **JAMES BOSWELL**

By: 

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